

## **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954)  
797-1101

**PREPARED BY:** Ingrid Allen, Planner II

**SUBJECT:** Ordinance designating the Regional Activity Center (RAC) as an area suitable for application of increased development of regional impact thresholds.

**AFFECTED DISTRICT:** 1 & 2

**ITEM REQUEST:** Schedule for Council Meeting

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, DESIGNATING THE TOWN OF DAVIE “REGIONAL ACTIVITY CENTER,” ENCOMPASSING THE LAND LYING BETWEEN UNIVERSITY DRIVE AND THE FLORIDA TURNPIKE AND BETWEEN STATE ROAD 84 AND GRIFFIN ROAD, AS AN AREA SUITABLE FOR APPLICATION OF INCREASED DEVELOPMENT OF REGIONAL IMPACT THRESHOLDS PURSUANT TO CHAPTER 380, FLORIDA STATUTES; APPROVING THE SUBMITTAL OF THE PROPOSED ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR CONSISTENCY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** This item is a propopsed ordinance designating the Regional Activity Center (RAC) land use category as an area suitable for increased Development of Regional Impact (DRI) thresholds. The term “Development of Regional Impact” (DRI) is defined as any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county. Section 380.06, Florida Statutes, allows the thresholds for developments of regional impact, with respect to residential, hotel, motel, office and retail developments, to be increased within the RAC land use category. Furthermore, State Statutes allow local governments to petition for an increase in thresholds within their jurisdiction.

According to the Town’s Comprehensive Plan, the RAC shall promote and encourage development or redevelopment of regional significance that facilitates mixed use development, encourages mass transit, reduces the need for automobile travel, provides incentives for quality development and gives definition to the urban form. The RAC

masterplan, currently in progress, will be bringing together all of these elements of the RAC in order to create a blueprint for the area. As a means of achieving the intent and purpose of the RAC as well as the objectives of the RAC masterplan, staff proposes that the Town designate (through the attached ordinance) the RAC as an area suitable for increased DRI thresholds pursuant to Chapter 380, Florida Statutes.

Submitted concurrently with this ordinance, is LA (TXT) 4-2-07 which proposes an amendment to the Future Land Use Element of the Comprehensive Plan by adding policies that refer to the RAC as an area suitable for increased DRI thresholds.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the June 27, 2007 Local Planning Agency meeting, Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve PZ 6-19-07 with a new Section 3 to be added regarding affordable housing; “Any residential development utilizing the increased DRI thresholds shall be required to provide an affordable housing component which meets or exceeds standards established by the Town.” and renumbering the remaining three Sections. (Motion carried 4-1 with Mr. Busey being opposed. Mr. Busey’s concern was that impacts would not be reviewed by bypassing existing thresholds.)

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

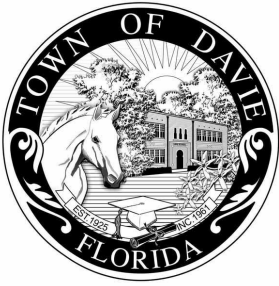
What account will funds be appropriated from:

Additional Comments:

**RECOMMENDATION(S):** Staff recommends approval of the Ordinance subject to the following condition:

1. Contingent upon approval of LA(TXT) 4-2-07, submitted concurrently with this proposed ordinance.

**Attachment(s):** Staff report, Ordinance, thresholds, Exhibit “A”



Development Services Department  
Planning & Zoning Division

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6591 ORANGE DRIVE Y DAVIE, FLORIDA 33314-3399  
PHONE: 954.797.1103 Y FAX: 954.797.1204 Y WWW.DAVIE-FL.GOV

**PZ 6-32-07**

**TO:** Mayor & Councilmembers

**THRU:** Marcie Nolan, Acting Planning and Zoning Manager

**FROM:** Ingrid Allen, Planner II

**SUBJECT:** Ordinance designating the Regional Activity Center (RAC) as an area suitable for application of increased development of regional impact thresholds.

**AFFECTED DISTRICT:** 1 & 2

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, DESIGNATING THE TOWN OF DAVIE "REGIONAL ACTIVITY CENTER," ENCOMPASSING THE LAND LYING BETWEEN UNIVERSITY DRIVE AND THE FLORIDA TURNPIKE AND BETWEEN STATE ROAD 84 AND GRIFFIN ROAD, AS AN AREA SUITABLE FOR APPLICATION OF INCREASED DEVELOPMENT OF REGIONAL IMPACT THRESHOLDS PURSUANT TO CHAPTER 380, FLORIDA STATUTES; APPROVING THE SUBMITTAL OF THE PROPOSED ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR CONSISTENCY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:**

This item is requesting, through the Department of Community Affairs, the ability for the Town to increase Development of Regional Impact (DRI) thresholds within the Regional Activity Center (RAC) land use category. This request is the first of two steps, required by State Statutes, that the Town must comply with in order to achieve this increase. The Florida Administrative Code requires that an ordinance be submitted to the Department of Community Affairs for a thirty (30) review prior to any increases being effective.

The term "Development of Regional Impact" (DRI) is defined as any development which, because of its character, magnitude, or location, would have a substantial effect

upon the health, safety, or welfare of citizens of more than one county. Section 380.06, Florida Statutes, allows the thresholds for developments of regional impact, with respect to residential, hotel, motel, office and retail developments, to be increased within the RAC land use category. Furthermore, State Statutes allow local governments to petition for an increase in thresholds within their jurisdiction.

The Town's RAC has experienced steady growth in development. With projects such as "Downtown Davie" and the Nova Academical Village, the RAC has been successful in fulfilling its stated intent. According to the Town's Comprehensive Plan, the RAC shall promote and encourage development or redevelopment of regional significance that facilitates mixed use development, encourages mass transit, reduces the need for automobile travel, provides incentives for quality development and gives definition to the urban form. The RAC masterplan, which is currently in progress, will be bringing together all of these elements of the RAC in order to create a blueprint for the area.

Given recent development patterns and population growth, the Town's 2005 Evaluation and Appraisal Report of the Comprehensive Plan recommends addressing an increase in permitted densities and intensities within the RAC. This recommendation is consistent with the principles and objectives of the RAC masterplan and will foster future development to accommodate growth, maintain financial stability, create new jobs and afford return on invested public/private capital.

As a means of further achieving the RAC's intent as well as the objectives of the RAC masterplan, staff proposes that the Town designate (through the attached ordinance) the RAC as an area suitable for increased DRI thresholds pursuant to Chapter 380, Florida Statutes. Subsequently, the Town must amend the text of the Comprehensive Plan by adding a policy to the Future Land Use Element that would provide an increase in thresholds for a DRI within the RAC. Submitted concurrently with this ordinance is LA (TXT) 4-2-07 which proposes the latter. Attached are the current and proposed thresholds for a DRI.

**BACKGROUND:**

Under Section 380.06(3), Florida Statutes, a local government may petition to increase the numerical thresholds of any statewide guideline and standard.

**RECOMMENDATION(S):**

Staff recommends approval of the Ordinance subject to the following condition:

1. Contingent upon approval of LA(TXT) 4-2-07, submitted concurrently with this proposed ordinance.

**Attachments:** Ordinance, thresholds, Exhibit "A"

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, DESIGNATING THE TOWN OF DAVIE “REGIONAL ACTIVITY CENTER,” ENCOMPASSING THE LAND LYING BETWEEN UNIVERSITY DRIVE AND THE FLORIDA TURNPIKE AND BETWEEN STATE ROAD 84 AND GRIFFIN ROAD, AS AN AREA SUITABLE FOR APPLICATION OF INCREASED DEVELOPMENT OF REGIONAL IMPACT THRESHOLDS PURSUANT TO CHAPTER 380, FLORIDA STATUTES; APPROVING THE SUBMITTAL OF THE PROPOSED ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR CONSISTENCY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie Future Land Use Element and Future Land Use Map include a “Regional Activity Center” designation; and

WHEREAS, the Town of Davie Future Land Use Map depicts the Regional Activity Center as shown on the attached Exhibit “A”, which is a portion of the adopted Town of Davie Future Land Use Map; and

WHEREAS, the Town Council of the Town of Davie wishes to designate the Regional Activity Center as an area suitable for application of increased development of regional impact thresholds pursuant to Chapter 380, Florida Statutes; and

WHEREAS, the application of increased development of regional impact thresholds within the Regional Activity Center is beneficial to the developer; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing duly advertised as required by Chapter 166.041, F.S. on June 27, 2007; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by Chapter 166.041, F.S. on July 18, 2007 and on the date of adoption of this Ordinance.

WHEREAS, this Ordinance is being submitted to the Florida Department of Community Affairs for review pursuant to Chapter 380, Florida Statutes; and

WHEREAS, the Town Council, after due consideration, hereby finds that this Ordinance is in the best interest of the Town of Davie, Florida, and is consistent with the Town of Davie Comprehensive Plan and Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town of Davie Regional Activity Center, as described in Objective 10 of the Town of Davie Comprehensive Plan, Future Land Use Element, and as depicted on the attached Exhibit "A", is hereby designated as an area suitable for application of increased development of regional impact thresholds pursuant to Chapter 380, Florida Statutes. The application of increased thresholds established by this Ordinance shall apply to developments receiving authorization to commence development on or after the effective date of this Ordinance.

SECTION 2. Any development utilizing the increased DRI thresholds shall commit to an infrastructure agreement with the Town of Davie approved after January 1, 2007 as a means of ensuring that local infrastructure needs for a particular project are reviewed and assessed prior to any Development Order.

SECTION 3. Any residential development utilizing the increased DRI thresholds shall be required to provide an affordable housing component which meets or exceeds standards established by the Town.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 6. This ordinance shall become effective upon adoption by the Town Council on second reading, as provided by law.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2007

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2007

\_\_\_\_\_

MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_

TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007

## DEVELOPMENT OF REGIONAL IMPACT (DRI) THRESHOLDS CURRENT VS. PROPOSED

<u>DEVELOPMENT</u>	<u>THRESHOLD (100%)</u>
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**Office:**

**Current:**

Gross Sq. Feet	300,000
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**Proposed for RAC:**

Gross Sq. Feet	900,000
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**Hotel/Motel:**

**Current:**

Rooms	750
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**Proposed for RAC:**

Rooms	1,125
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**Residential:**

**Current:**

Dwelling units	3,000
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**Proposed for RAC:**

Dwelling units	4,500
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**Retail:**

**Current:**

Gross Sq. Feet	400,000
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**Proposed for RAC:**

Gross Sq. Feet	600,000
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## EXHIBIT “A”

### FUTURE LAND USE ELEMENT

#### POLICY GROUP 10: REGIONAL ACTIVITY CENTER USE

OBJECTIVE 10: The Town shall maintain, and expand if appropriate, a Regional Activity Center (RAC) designation for the area between University Drive and the Florida Turnpike, and S.R. 84 and Griffin Road.